



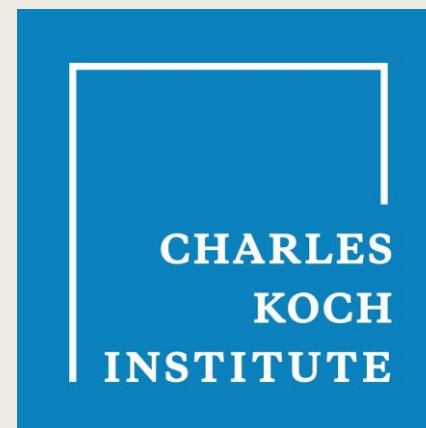
PRETRIAL INCARCERATION

Pretrial Data – North Carolina
Courts Commission – Jan 11, 2019



OUR MISSION is simple: promote a criminal justice system that utilizes pragmatic, evidence-based approaches to keep our communities safe, while ensuring that taxpayer dollars are utilized in the most effective manner.





Arlington, VA, July 12, 2018 – The Pretrial Justice Institute (PJI) and Charles Koch Institute (CKI) released a study today that shows strong support among Americans for commonsense changes to the criminal justice system that would make it fairer for people who have been arrested but not convicted of a crime.

The poll finds Americans want to see a more equitable justice system that focuses on public safety rather than default incarceration. More than half of Americans do not want courts to detain people on low-level offenses and 52 percent believe prosecutors should have to make the case for detention, rather than people making the case for their pretrial liberty. Eighty-three percent agreed people who have been arrested for serious violent offenses should be detained when no other option would protect public safety or get them safely back to court.

“It is time that we ask ourselves whether the American pretrial justice system actually upholds the promise that individuals are presumed innocent until proven guilty,” CKI Senior Policy Analyst Jordan Richardson said. “Our communities are safest when the justice system makes freedom the norm and detention, as Supreme Court Chief Justice Rehnquist stated, the ‘carefully limited exception.’”



So what is the evidence in North Carolina related to pretrial incarceration?



- In NC, there is no statutory requirement that jails keep up to date records of who is in jail.
- NC GS 153A-229 requires “local confinement facilities maintain only basic records of prisoners to county clerks.

§ 7A-109.1. List of prisoners furnished to judges.

(a) The clerk of superior court must furnish to each judge presiding over a criminal court a report listing the name, reason for confinement, period of confinement, and, when appropriate, charge or charges, amount of bail and conditions of release, and next scheduled court appearance of each person listed on the most recent report filed under the provisions of G.S. 153A-229.

(b) The clerk must file the report with superior court judges presiding over mixed or criminal sessions at the beginning of each session and must file the report with district court judges at each session or weekly, whichever is the less frequent. (1973, c. 1286, s. 5; 1975, c. 166, s. 22.)

What do we know?

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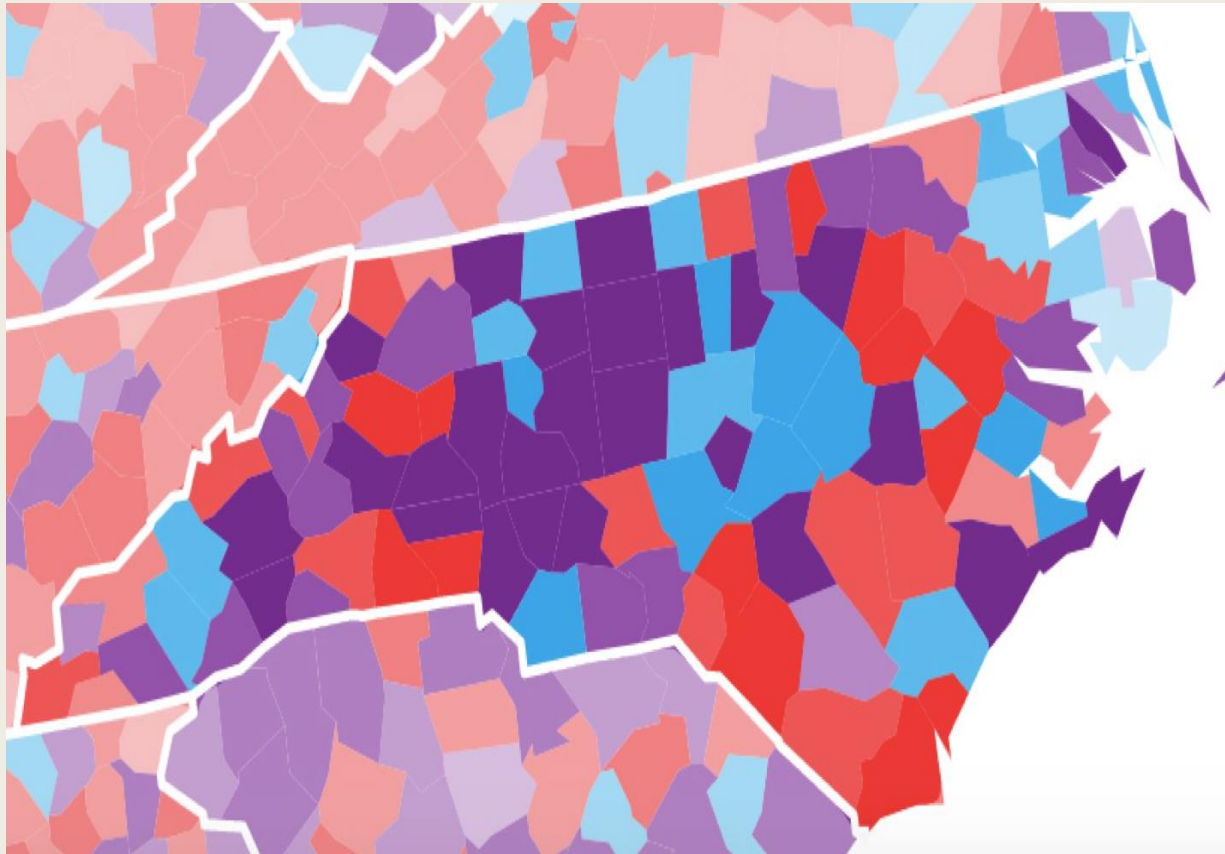
Without consistent requirements across the state, there's no way to know the scope of the issues related to pretrial incarceration.

We can't implement effective reform without answers to basic questions:

- Who is being locked up?
- For what reasons?
- For how long?
- How much does it cost taxpayers to hold a person in jail?
- How are counties determining pretrial release?
- Are they using evidence-based risk assessment tools?
- Are there pretrial supervision alternatives to jail?
- How many inmates have been diagnosed with a mental health condition?

North Carolina Incarceration Trends

In Our Backyards: Ending Mass Incarceration Where It Begins

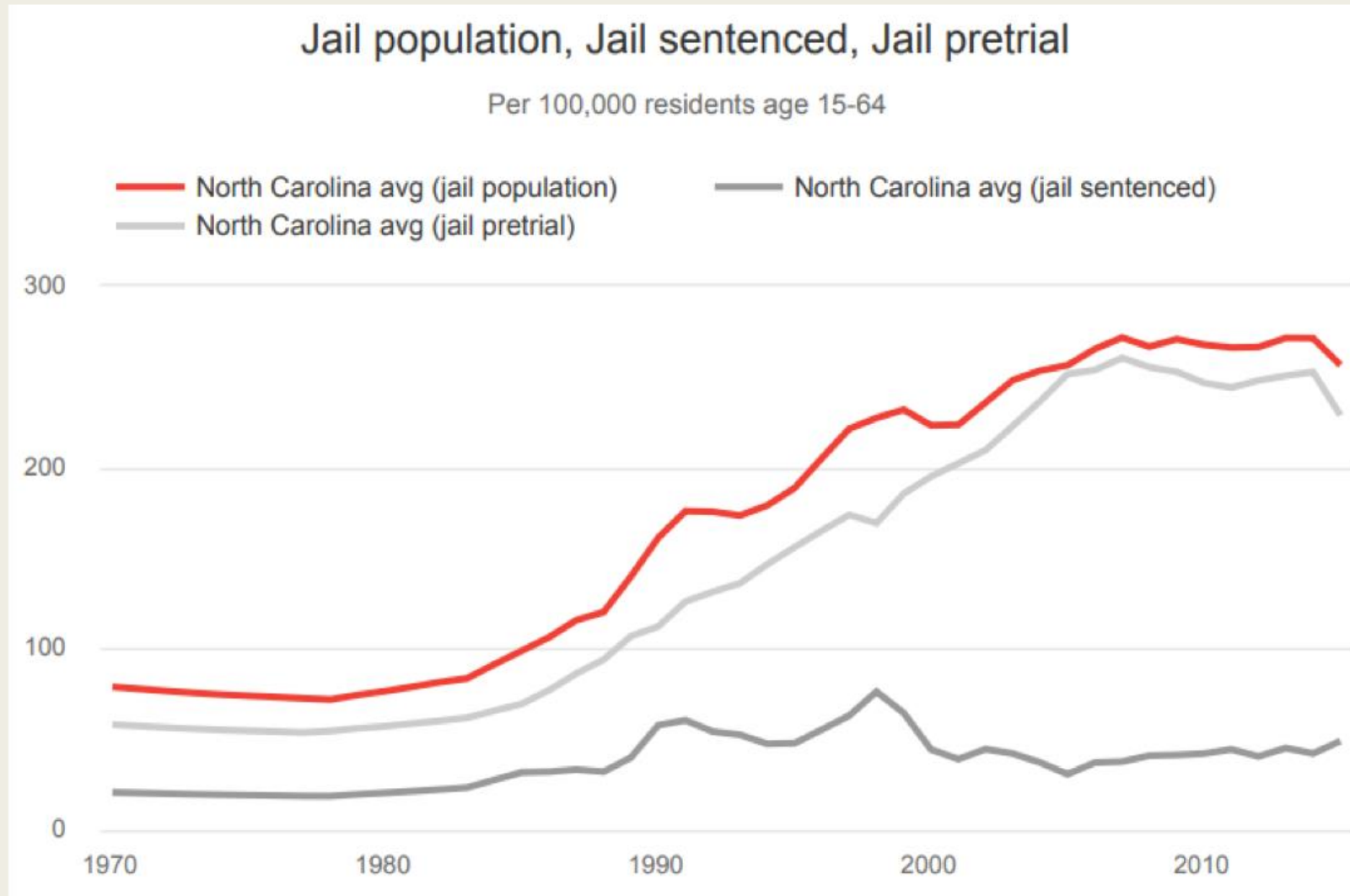


More than **70%** of North Carolina's jail population was incarcerated in small or rural counties in 2015, with **27%** held in the states most rural counties.

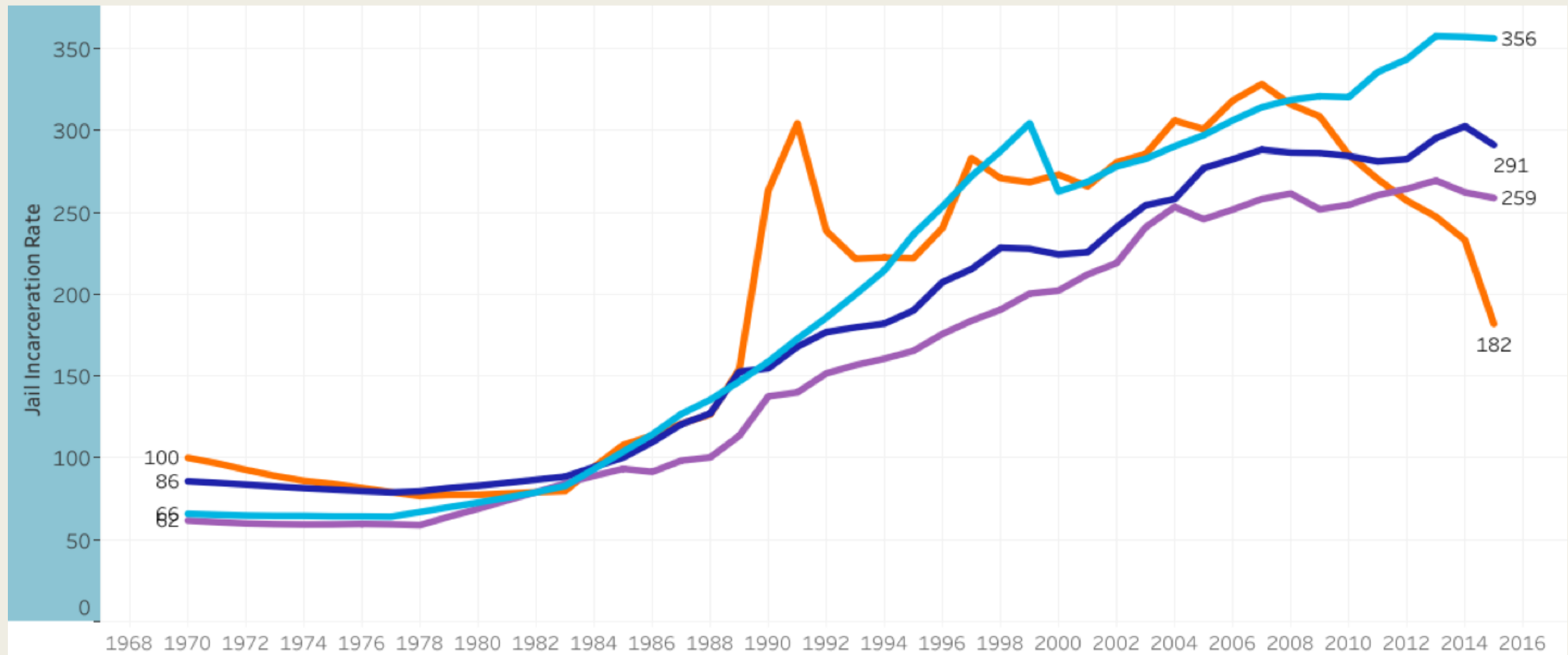
In North Carolina, high and rising jail populations have been driven by rising rates of pretrial detention. **The rate of pretrial incarceration in North Carolina increased by 227 percent** between 1985 and 2015, to reach 229 people detained pretrial per 100,000 working age residents.



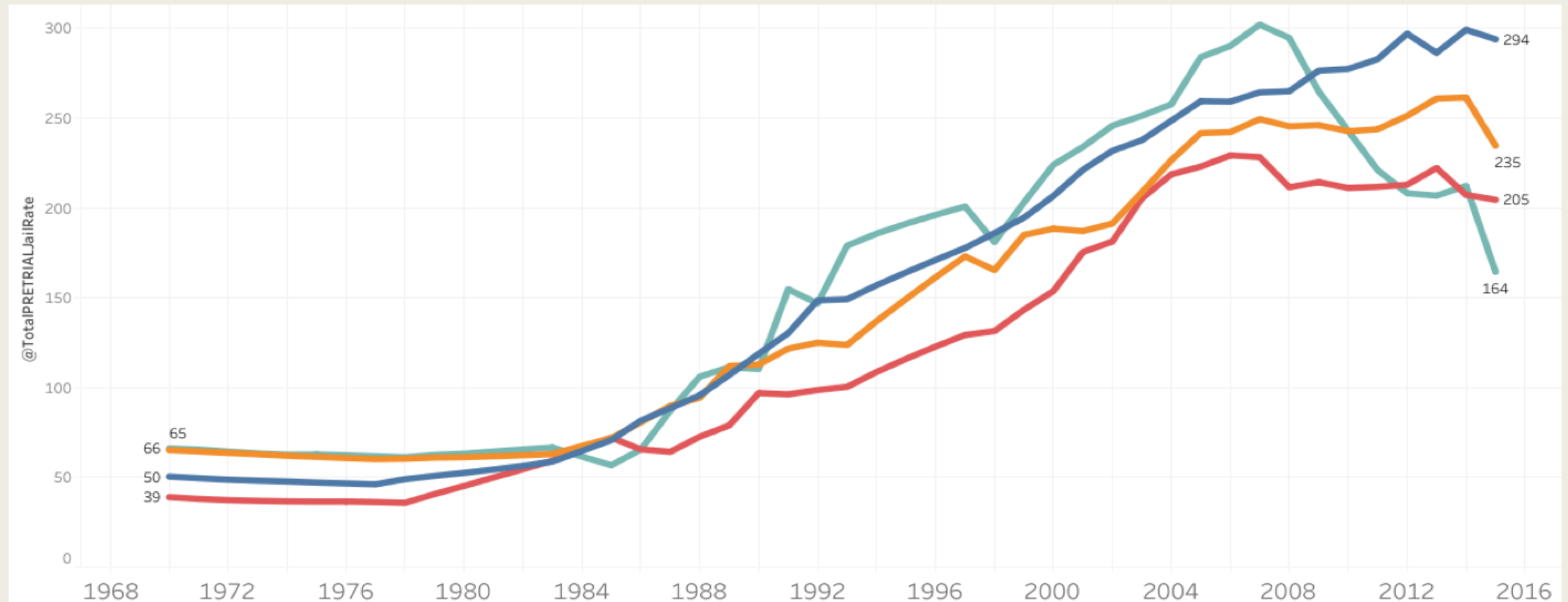
The Rise of Jail Incarceration in North Carolina



Jail incarceration rates are the highest in rural counties, while they have declined sharply in Mecklenburg and Wake counties—the state’s largest urban jurisdictions.



Rural counties also have the highest rates of pretrial detention, followed by small to midsize cities. Pretrial detention has also declined sharply in the state's major urban counties.



Why does this matter?

- More Jail construction = More tax payer dollars
- Jail Incarceration is a “front door” to future criminal activity



Comprehensive Solutions

Florida Data Collection Bill

- Created a user-friendly database that connects all separate systems into a unified presentation
- “Bipartisan transparency measure”
- “Modern, open, electronic format that is machine-readable and readily accessible to the public.”
- Created financial incentives to ensure that each county participates





Questions?